[FR] Unlawful comparative advertising

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Charlotte Vier
Légipresse

The Regional Court of Paris delivered an interesting decision on 31 May 1996 on the use of Médiamétrie surveys in advertising. A radio station (NRJ) had published in a number of newspapers a series of advertisements including comparative tables of audience figures for three competitive stations; one of the advertisements included a picture of a ball rolling towards skittles bearing the marks of the other stations, to knock them down. The judge found the advertisements defamatory and outside the legal framework of comparative advertising, disallowed benefit of the provisions of Article L 121-8 of the Consumer Code, and found their author guilty of infringement of registered trade-marks and unfair competition.

Tribunal de grande instance de Paris (3e ch., 2e sect.), 31 mai 1996 - Europe 1 c/NRJ.

Regional Court of Paris (3rd chamber, 2nd section), 31 May 1996 - Case of Europe 1 v. NRJ.

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